

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

RYAN D. HOBBS,

Plaintiff,

:

Case No. 1:17-cv-441

- vs -

District Judge Michael R. Barrett
Magistrate Judge Michael R. Merz

DEREK FAULKNER, et al.,

Defendants.

:

**REPORT AND RECOMMENDATIONS ON MOTION PRELIMINARY
AND PERMANENT INJUNCTION**

This case is before the Court on Plaintiff's Motion for Preliminary and Permanent Injunction (ECF No. 100).

The case is presently pending on Plaintiff's Objections to Reports and Recommendations recommending that his separate Motions for Relief from Judgment under Fed.R.Civ.P. 60(d)(3) and 60(d)(1) be denied (ECF Nos. 86, 92, 97). The case is also pending before the Sixth Circuit Court of Appeals which has denied Hobbs leave to proceed on appeal *in forma pauperis*. *Hobbs v. Faulkner*, Case No. 19-3303 (6th Cir. Aug. 22, 2019)(unreported; copy at ECF No. 98).

In the referenced Order, the Sixth Circuit determined that Hobbs' claims, including his demand for "injunctive relief that would compel the various defendants to produce all exculpatory evidence that they possessed from his criminal case; declare that his attorney was ineffective; and prohibit the state judge from restricting Hobbs's access to the court. Hobbs also moved for a

preservation order directed at several nonparties and for leave to amend his complaint to add several other parties” “lacks an arguable basis in law” (ECF No. 98, PageID 1373, citing *Neitzke v. Williams*, 490 U.S. 319, 325 (1989)).

Plaintiff’s instant Motion largely repeats the allegations previously dismissed by this Court. As the Sixth Circuit has concluded, those claims lack an arguable basis in law. On that basis the instant Motion should be denied.

August 30, 2019.

s/ ***Michael R. Merz***
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by mail. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party’s objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140, 153-55 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).